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LETTER DATED 31 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF YEMEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a letter dated 29 May 1994 addressed to you by the Parliament of the Republic of Yemen on the situation in Yemen.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Abdalla Saleh AL-ASHTAL
Ambassador
Permanent Representative

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Annex

[Original: Arabic]

Letter dated 29 May 1994 from the Parliament of the Republic of Yemen addressed to the Secretary-General

We in the elected Parliament of the Republic of Yemen convey to you our great appreciation and respect for the positions you have taken that embody the desire to protect the sovereignty, freedom and independence of peoples and the endeavour to safeguard them through the activities of your Organization. Our Yemeni people is proud that its State belongs to this Organization, and it hopes that the positions in question will be reinforced when you come to address yourself to the internal events taking place in our country, linked as they are in essence with the maintenance of its sovereignty, security and independence in keeping with the Constitution and laws in force.

It has come to our attention that you have begun to address the question of Yemen and of the events taking place in our country as a result of the rebellion of a group of Socialist Party leaders against constitutional legitimacy and the war launched by them against the Yemeni people and its unity for inhuman reasons that have no basis in law and are not endorsed by the Constitution.

Although we are most proud and appreciative of your interest in the course of events in our country and of your concern that it be spared from catastrophe, we nevertheless wish to convey to you our great surprise and sorrow at the fact that you are addressing this internal issue of ours on the basis of erroneous information and through intermediaries who are not involved, despite the fact that our State is an active Member of the United Nations and has yet to make any request to you in this regard.

Allow us, therefore, to place before the Organization a number of facts that we hope will help you towards a true understanding of the Yemeni issue and in whose light you may approach what is taking place. The facts can be summarized as follows:

1. In its history and its culture, Yemen, the land and its people, has always been a single unit. It has no racial or ethnic minorities, and the circumstances in which it has been divided have been exceptional and have come about owing to colonialism and external interference in the country's affairs.

2. The unification of Yemen that was achieved on 22 May 1990 and was welcomed with felicitations at both the inter-Arab and international levels is the unification of two politician regimes and not of two different peoples. It took place in a peaceful and democratic manner in accordance with the agreement proclaiming the Republic of Yemen and regulating the transitional period and with the Constitution of the unified State, as signed by the Presidents of the two former regimes in April 1990 and ratified by the representative assemblies of the two formerly separate parts of the country.

3. The first national consensus on the unification of Yemen was achieved when the plebiscite on the Constitution of the unified State was held in 1991, and international organizations for the promotion of democracy participated in supervising its fairness.

4. On 27 April 1993, our country's first unified parliamentary elections were held and more than 22 parties and political organizations took part as well as independents, in accordance with the General Elections Law. The entire world witnessed the fairness of these elections, which took place on a free and democratic basis. They were subjected to the direct supervision of international institutions for the promotion of democracy and were welcomed by all the international human rights bodies and organizations. Your Organization and the five permanent members of the Security Council were in the forefront of those who endorsed the results of the elections.

The elections of 27 April 1993, the results of which were recognized by all political parties and organizations, including the Socialist Party, moved Yemen on, after four years of unity, from the legitimacy inherent in amalgamation by political agreement to that of unity of constitutional and legal institutions. As a result of the elections, the first unified Parliament was convened on 15 May 1993 and representation by territorial constituency was abolished in accordance with article 58 of the Constitution of the Republic of Yemen, which states that "A member of the Parliament represents the entire people and has regard for the general interest, and his representative function is not limited by any restriction or condition".

5. After the elections, the Republic of Yemen entered upon a new experience of government and a coalition was formed that included the three major parties; the General People's Congress, the Yemen Reform Grouping and the Socialist Party. The two former parties agreed that the latter should have a far greater number of ministerial portfolios in the new arrangement than its proportional representation in the Parliament would warrant out of concern for national concord. The coalition adopted a document called the "Government Coalition Document", which affirmed commitment to those points established as constant elements of national policy, including the commitment to maintain and not to relinquish national unity as a sovereign matter whose endangerment or infringement is forbidden.

6. The unified Yemeni State adhered to democratic practice in keeping with political pluralism and freedom of opinion, and the political arena in Yemen provided, as it still provides, an open forum for intellectual trends and competing programmes in such a way as to advance the building of society on sound modern foundations based on respect and full consideration for human rights.

Having put you in the picture with regard to the constitutional position of the formation of the unified State and its institutions, we should like hereunder to place before you other facts relating to the attempt to circumvent democracy and constitutional legitimacy in the country and to destroy the unified Yemeni State by a rebel group that has risen up against law and order and has dabbled in violence and in creating an explosive military situation in

order to implement its scheme to rend the unity of a people and defy the will of a nation.

Accordingly, we should like to inform you of the following facts:

1. The separatist gang that calls for the establishment of a State in the south under the leadership of the rebel Ali Salim al-Bidh grew tired of democracy when it found that the electoral decision of 27 April 1993 was not in its favour and did not propel it to the summit of power. Because the members of this rebel gang were the remnants of the totalitarian regimes that governed without rivals and usurped all the civil and political rights of Yemenis, they had a strong nostalgia for the bloody past and began to ponder the overthrow of constitutional legitimacy by creating crises, arranging explosions and assassinations and undermining the security of the unified State.

2. When the separatists found that they had failed in this course, they resorted to aggravating the political and economic situation and confusing the democratic situation by raising new conditions and demands with the aim of abrogating the legitimacy of constitutional institutions. They declared their rejection of the democratic majority and preached a democracy based on the principle of a balance of interests, which is a new term in the study of democracy of which no explanation is to be found from democratic legislators.

3. Ali Salim al-Bidh, the leader of the rebels, refused to submit to the Constitution and the laws and statutes of the country, and he exercised his authority as Deputy President of the unified State for almost one entire year without completing the constitutional formalities.

4. By virtue of their participation in power, the separatist rebels rendered inoperative the constitutional institutions of the State by isolating themselves in Aden, the economic and commercial capital, and by sabotaging these institutions. The country almost fell into a state of complete anarchy, the economic, social and health situation deteriorated, the security situation worsened, and the most heinous violations of human rights took place in the prisons of Aden that these persons subjected to their direct control.

5. The legitimate leadership of the country engaged in dialogue with the rebels in partnership with patriotic forces and political parties and organizations. This dialogue, which lasted some nine months, produced the "compact and agreement document". Scarcely had the document been signed in the Jordanian capital, Amman, on 20 February 1994 than the rebels created an explosive military situation in the Abyan Governorate involving a unionist camp located there and defenceless citizens residing in the Governorate.

6. The rebels continued to prepare for the overthrow of democracy, legitimacy and unity until they were able to ignite the military situation fully at Umran on 27 April 1994 (the first anniversary of the democratic elections). This took place in the presence of the military attachés of the United States of America and of France, who were on mission with the military committee.

7. On 21 May 1994 (on the eve of the fourth anniversary of the establishment of the unified State), the rebel Ali Salim al-Bidh issued what he called the

"Declaration of the Democratic Republic of Yemen" and, in a dangerous and unlawful precedent, called for the recognition of a State that he seeks to sever from a homeland that has a single origin, culture, faith, history and language.

We in the Yemeni Parliament regard this declaration as null and void and as unlawful in light of article 1 of the Constitution of the Republic of Yemen, which provides that "The Republic of Yemen is an independent, sovereign State, it is an indivisible unit, and no part thereof may be relinquished ...".

In accordance with this provision of the Constitution, we would regard recognition of this separatist declaration by any party, State or organization as an outrage against the right of our Yemeni people to affiliation with a unitary homeland and as a violation of article 15 of the Universal Declaration of Human Rights, which states that everyone has a right to a nationality and that no one shall be deprived of his nationality or forced to change it. Any attempt to treat with this rebel group is an offence to the national dignity of Yemen and a warning of displacement and perdition to Yemeni citizens.

On the basis of the foregoing considerations, which put you squarely in the picture with regard to the true nature of our people's cause in the Republic of Yemen, we urge you to reject all requests made to you by any party with regard to the issue between our people and those in rebellion against legitimacy and the law on the grounds that this is an internal matter within the meaning of Article 2, paragraph 7, of the Charter of the United Nations. That Article states that:

> "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

We should like to call your attention to the fact that the provisions of the Charter of the United Nations affirm that no State Member of the United Nations may submit the matter of an internal conflict other than in the case where its interests are harmed or where the dispute threatens international peace and security. Neither of these requirements is met in the case of the Yemen question. The legitimate leadership, in confronting the rebels, does so only in order to ensure security and stability, protect the national sovereignty and inculcate the values of democracy in light of respect for law and order and within the sovereign boundaries of the country. The interests and rights of States are to be safeguarded and respected.

We believe that such a posture presents a threat to international peace and security only if there are one or more States in the region that are preparing to commit aggression against Yemen and to violate its territory, and this we still do not know.

We in the Parliament of the Republic of Yemen would like to assure you of the following:

(a) The unification of Yemen is the destiny of the Yemeni people, and any retreat from it or any haggling over it after it has become an established national fact will inevitably have the following results:

Prolongation of the warfare and fighting in Yemen, which may lead to abandonment of the democratic experiment that is in keeping with the new international order;

Creation of an unstable security situation in the region, thereby undoubtedly affecting the security and stability of neighbouring States and consequently jeopardizing international interests;

Creation of a new polarization of regional and international conflicts in the region.

(b) What is taking place in Yemen is not a war between north and south, as some claim, or between one State and another. It is a war between the people as represented by its lawful and constitutionally elected leadership and a small rebel separatist group of Socialist Party leaders.

(c) The rebels do not represent a racial or confessional minority. There are no minorities and no sects in Yemeni society, and it is a society that is unified in orientation and in thought from one end to another.

(d) The adventure embarked upon by the separatist gang in declaring a "State of the South" is an extension of the adventure of the military outbreak in which it did not and shall not persevere, because the people of the southern governorates is fighting alongside the regular forces to safeguard and protect its unity.

While we have high regard for the respect shown by your Organization for human rights and for its endeavours to achieve justice in the world, as representatives of the Yemeni people we urge you:

To deal with what is taking place in our country as an internal matter in accordance with Article 2, paragraph 7, of the Charter of the United Nations and to reject any request for a discussion of the question of Yemen that is not made by the Government of the Republic of Yemen;

To bring pressure to bear on the States Members of the Organization that are trying to find a foothold for themselves in what is now taking place in Yemen to refrain from interfering in the internal affairs of our country, because this is likely to inflame the situation and prolong the warfare and widen its scope.

We request you to have this letter circulated to Member States as a United Nations document.

Issued by the Parliament
of the Republic of Yemen
29 May 1994